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Federal Communications Commission
Office of the Secretary

September 5, 2007

The Honorable Kevin J. Martin
Chairman

Re: FCC Chairman Kevin Martin's Proposed Triple Carriage Must-Carry Order

Dear Honorable Martin:

Members of the American Cable Association (ACA) and the National Telecommunications Cooperative Association (NTCA) are small and medium-sized cable operators with a long history of providing high-quality, innovative video service to their communities. These cable operators who provide service to smaller and rural markets are currently making significant investments in their facilities to offer more services to consumers, including high-definition digital programming and video on demand. In addition, these operators are launching advanced services, such as broadband and voice, providing rural consumers with the much-touted "Triple Play." Small and medium-sized cable operators understand that to remain competitive, they must offer consumers a robust service.

However, the Associations and their members are gravely concerned about the digital television carriage order. The draft order would require cable operators after February 17, 2009 to carry one signal of each broadcaster in three different formats: high definition, standard definition and analog. It is both fiscally and technologically infeasible for all small and medium-sized operators to meet such a burdensome obligation. The upgrade costs required to comply with this mandate are substantial -- upwards of several hundred dollars per subscriber in small markets. Further, many small cable operators simply lack the capacity to offer all broadcast stations in all three formats, and it is not feasible for small cable operators to upgrade their facilities to all-digital and provide set-top boxes to all of their subscribers.

In some cases, the triple-carriage requirement would force operators of small systems to remove existing channels from their channel lineup, or reduce the amount of bandwidth available for broadband and voice services, further broadening the digital divide between urban and rural consumers. In other cases, operator would be compelled to shut down their systems altogether, removing a vital video and voice competitor in the market, and denying access to broadband services.

Rather than mandating triple carriage, the federal government should allow the marketplace to dictate which formats independent cable operators provide to their subscribers and the timetable for small operators to transition into all-digital services, among those that can do so. Letting the market work will ensure that consumers stay connected after the digital transition.

"YOUR WINDOW TO THE WORLD"

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The digital television triple-carriage order must be rejected in order to not harm rural consumers and the companies that serve them. The Associations and their community-based members, along with the millions of subscribers they serve, are hopeful that you and your policymaking colleagues at the FCC recognize the need for sensible regulation that will accomplish the goals of the digital transition without compromising the quality video and broadband service rural consumers enjoy and have come to expect from their providers.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray V. Miller". The signature is fluid and cursive, with the first name "Ray" being more prominent.

Ray V Miller
Vice-President